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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/247,209	02/09/1999	PAUL PAZANDAK	044557.0000	7376

7590 01/28/2002

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EXAMINER

YANG, GRANT C

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 01/28/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/247,209

Applicant(s)

PAZANDAK, PAUL

Examiner

Grant C Yang

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Non-Final Rejection is in response to Notice of Missing Parts filed 2/26/99, Declaration and Power of Attorney and Surcharge filed 4/26/99, Revocation of Power of Attorney 6/27/00, Notice of Accepted filed 7/18/00, IDS filed 10/10/00.

Information Disclosure Statement

2. The information disclosure statement filed 10/10/2000 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the "Other Art" listed under "AN" does not contain a date. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

All other prior art listed in the IDS was considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. **Claim 1 is rejected under 35 U.S.C. 102(a) as being anticipated by alphaworks, XML BeanMaker, <http://www.xml.com/pub/r/540>, published Nov. 13, 1998..**

Regarding independent claim 1, alphaworks discloses that the DTD files have object classes defined for Java class interfaces, as in paragraph 3, line 1. Alphaworks also discloses that the XML document has object classes associated with the XML document, as the DTD files are XML Schema files, paragraph 2, line 2.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over alphaworks in view of Goor, U.S. Patent No. 6,305,009 B1, filed Dec. 3, 1998, published Oct. 16, 2001.

Regarding independent claim 2, alphaworks discloses "a code for operating the computer and means for calling the code" as **the XML BeanMaker is a software tool**, as on paragraph 2, line 1, and a class declaration which would be embedded in the DTD file in order to convert the element to a **bean class**, as on paragraph 3, line 3. Alphaworks does not expressly disclose the computer capable of receiving the XML document; however, Goor discloses that

a compiler can be **run on a general purpose computer, either standalone or networked**, as on column 3, lines 48-49, which would then allow it to receive any type of document, including the XML documents.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to have a computer carry out the parsing of an XML document. One of ordinary skill in the art would have been motivated to do this because in order to run the software tool, the XML BeanMaker, a user would have to run it using a computer, which would be able to receive the document, if the BeanMaker were to parse it.

Regarding independent claim 3, alphaworks discloses "associating the XML document with a call" and "calling the code" and "creating a type specific object," as the **XML BeanMaker** must be called in order to **generate the Java class interfaces corresponding to the elements and attributes in the DTD file**, as on paragraph 3, lines 1-2. Goor does not expressly disclose "acquiring" the document; however, in order to be parsed the document must be acquired as the **BeanMaker takes an arbitrary schema for an XML instance**, as in the excerpt.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to acquire the XML document to be parsed. One of ordinary skill in the art would have been motivated to do this because in order to parse the document, it would need to be acquired or linked to the program so that it can be read or "parsed."

Regarding independent claim 4, alphaworks discloses "calling a code that operates on XML" as **XML BeanMaker is a software tool** is called, on paragraph 2, line 1, processing the code and locating and acquiring type-specific class associations, as the **BeanMaker reads a DTD files and generates Java class interfaces corresponding to the elements and attributes in the DTD file**, as on paragraph 3, lines 1-2. Alphaworks does not go into detail to describe the parsing step dictated by the step of locating and according to a result of the step of processing. However, as Goor describes how a compiler/parser works, the parser **parses the statements of source code and converts each statement**, as on column 2, lines 16-17, and it locates these objects by **providing an index for each instruction object that is indicative of its position within the sequence**, as on column 2, lines 24-26.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to parse the XML to obtain the type-specific object to locate the object and process the object. One of ordinary skill in the art would have been motivated to do this because in order to perform any conversion algorithm or function the parser would need to locate the object that needed conversion. Furthermore, in order to obtain the "class" from the XML, the lines of code would need to be compiled or processed.

Regarding independent claim 5, alphaworks discloses defining type-specific object classes corresponding to type-specific objects and associating these classes with the XML document through parsing to obtain the type-specific objects, as **the BeanMaker reads a DTD files and generates Java class**

interfaces corresponding to the elements and attributes in the DTD file, as on paragraph 3, lines 1-2. However, alphaworks does not expressly disclose creating an XML document. However, it is implied from the DTD file being related to the XML instance, that an XML document must have been created along with the DTD file associated with the XML schema.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to create the XML document in order to then obtain the type-specific objects from the XML document. One of ordinary skill in the art would have been motivated to do this because in order to parse the XML document to instantiate the type-specific object classes, an XML document must have existed beforehand, and in order to do this the XML document would needed to have been created.

Regarding dependent claims 6-8, alphaworks discloses the "explicit association" through a **DTD files**, as on paragraph 3, line 1. Alphaworks also discloses an implicit association by publication of type-specific classes, as are created by BeanMaker, or links to the Internet, where XML documents can be located.

Regarding dependent claim 9, alphaworks discloses that the means is associated with an XML document, as BeanMaker is for XML, as on paragraph 1, line 1.

Regarding dependent claim 10, alphaworks does not expressly disclose the "intelligent parser" or "parser that uses instantiation directives." Goor

discloses an object compiler and associated object execution engine, which serve as intelligent parsers when compiling source code, as on column 2, line 11.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use an intelligent parser. One of ordinary skill in the art would have been motivated to do this because the better a parser is, then it will not only be more efficient in collecting the source code, but it will create a more efficient object compiled code.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6182281 B1

U.S. Patent No. 6085196

U.S. Patent No. 6317759

U.S. Patent No. 6339839 B1

U.S. Patent No. 6212672 B1

U.S. Patent No. 6182092 B1

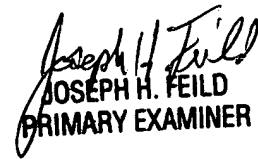
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Grant C Yang whose telephone number is 703-305-1828. The examiner can normally be reached on Mon-Fri (8:30am-6pm) every other Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on 703-308-5186. The fax phone numbers for the organization where this application or proceeding

is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

January 24, 2002


JOSEPH H. FEILD
PRIMARY EXAMINER